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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR06-188-RSM
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 WALLENE MARY BEAR,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on June 11 , 2008. The United States was represented by AUSA Mary Dimke and the
16 defendant by Jennifer Wellman. The proceedings were digitally recorded.

17 Defendant had been sentenced in the District of Montana on or about October 14, 2004
18 by the Honorable Sam E. Hadden on a charge of Possession with Intent to Distribute
19 Methamphetamine, and sentenced to 24 months custody, 3 years supervised release.¹ Jurisdiction
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21 ¹ Although the original charging documents were requested from the District of Montana,
22 they do not appear to have been received. This information is taken from the summary report filed
by the Probation Officer.

01 was transferred to this District on June 5, 2006. (Dkt. 1.)

02 The conditions of supervised release included the standard conditions plus the requirements
03 that defendant be prohibited from possessing a firearm, submit to search, abstain from consuming
04 alcohol and be prohibited from entering establishments where alcohol is the primary item of sale,
05 and participate in electronic monitoring for up to 120 days. ²

06 On July 13, 2006, defendant's probation officer alleged that defendant had violated the
07 conditions of supervision by using cocaine. Defendant was reprimanded, put in a structured
08 testing program with increased frequency of testing, and referred for intensive outpatient
09 treatment. (Dkt. 3.)

10 On May 9, 2007, defendant's probation officer alleged that defendant had violated the
11 conditions of supervision by using marijuana. Defendant was reprimanded and referred to
12 counseling. (Dkt. 4.)

13 On July 11, 2007, defendant's probation officer alleged that defendant had violated the
14 conditions of supervision by using methamphetamine. Defendant was referred to a community
15 based residential program and referred for intensive outpatient treatment. (Dkt. 5.)

16 On February 14, 2008, defendant admitted violating the conditions of supervision by using
17 methamphetamine and cocaine. (Dkt. 10). On February 25, 2008, defendant's probation officer
18 filed a report indicating that defendant had further violated the conditions of supervision by using
19 marijuana and cocaine. The alleged violations were incorporated into pending revocation
20 proceedings. (Dkt. 13.) Defendant was continued on supervised release with the additional

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22 ² Cf. Fn. 1.

01 requirement of participation in an electronic monitoring program for up to 120 days. (Dkt. 15.)

02 In an application dated May 19, 2008 (Dkt. 17, as amended), U.S. Probation Officer Joe
03 Mendez alleged the following violations of the conditions of supervised release:

04 1. Using cocaine on or before March 17, 2008, in violation of standard condition 7.

05 2. Using cocaine on or before April 15, 2008, in violation of standard condition 7.

06 Defendant was advised in full as to those charges and as to her constitutional rights.

07 The parties submitted a Stipulation of Facts for Evidentiary Hearing, which was admitted
08 into evidence. (Dkt. 22.) Based on the stipulation, I find that, by a preponderance of the evidence,
09 the defendant used cocaine on or before March 17, 2008 and on or before April 15, 2008.

10 I therefore recommend the Court find defendant violated her supervised release as alleged,
11 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
12 set before Judge Martinez.

13 Pending a final determination by the Court, defendant has been detained.

14 DATED this 11th day of June, 2008.

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16 Mary Alice Theiler
17 United States Magistrate Judge

18 cc: District Judge: Honorable Ricardo S. Martinez
19 AUSA: Mary Dimke
20 Defendant's attorney: Jennifer Wellman
21 Probation officer: Joe Mendez
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